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DEC 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Schutze, et al.	:	
Application No.: 10/532,114	:	DECISION GRANTING PETITION
Filed: April 21, 2005	:	
Attorney Docket No.: 104006-B130119	:	
FOR: PHARMACEUTICAL COMPOSITION	:	
COMBINING TENATOPRAZOLE AND A	:	
HISTAMINE H2-RECEPTOR ANTAGONIST	:	

This is a decision on the correspondence entitled, "COMMUNICATION: REQUEST TO RE-ISSUE OFFICE ACTION," FILED September 24, 2008, resubmitted on September 25, 2008, and supplemented on October 1, 2008. The correspondence will be treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the final Office action, mailed March 19, 2008, which set a period for reply of three (3) months. Having received no extensions of time under 37 CFR 1.136(a) and having received no reply, the Office considered the application abandoned on June 20, 2008. A Notice of Abandonment was mailed on September 25, 2008.

Petitioners allege that the March 19, 2008 final Office action was not received at the proper correspondence address of record and therefore, the application is not really abandoned. The undersigned finds this assertion completely convincing because the Office action in question was mailed to an incorrect address. The record shows that a change in correspondence address was received in the Office on March 17, 2008 and entered into the above-identified application's file record on March 18, 2008. However, the March 19, 2008 final Office action was mailed to the former correspondence address of record.

The petition under 37 CFR 1.181 is granted, the holding of abandonment is withdrawn, and the September 25, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to Technology Center AU 1614 for the re-mailing of the March 19, 2008 final Office action with a new period for response.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



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